

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

April 12, 2005

5:30 PM

Chairman Sysyn called the meeting to order.

The Clerk called the roll.

Present: Aldermen Sysyn, Guinta (arrived late), Smith, Forest, O'Neil

Messrs.: Linda Cavanaugh, Chief Kane, Tom Lolicata, Lt. R. Valenti

Chairman Sysyn addressed item 3 of the agenda:

3. Communication from Linda Cavanaugh, President of LMC Automotive Transportation, Inc., requesting a change in towing charges.

Clerk Normand stated Ms. Cavanaugh is here this evening.

Alderman O'Neil moved for discussion. Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

Alderman O'Neil stated Lt. Valenti you probably deal most with the towing companies in the City does the department have an official position?

Lt. Richard Valenti, MPD Traffic Division, replied I think the position of the department would be that they haven't had a rate increase in a number of years and I think one would be justified. Certainly, as you well know, called an unauthorized tow I know a lot of times folks shopping around for a parking spot and having your cars towed but I think we do need an increase but gouging would be certainly uncalled for. The current rate for a daytime tow is \$75.00. Five dollars of that goes to the City for administrative fees and then after five o'clock it's \$90.00 for a tow that being somebody involved in an accident or somebody broken down and requesting one of our tow trucks. Of the \$90.00, \$85.00 goes to the tow company so if there is an increase I would like to see it at \$70.00 for daytime tows and \$85.00 at night. I think that would be very fair to the consumer and also to the tow company because as Ms. Cavanaugh has pointed out we've seen an increase...the cost of labor, cost of a vehicle and also the cost of fuel.

Alderman O'Neil stated these are just calls that are generated from the Police Department or could it be...

Lt. Valenti stated these are private parking lots that the company is contracted to tow out of...we call it an unauthorized tow...somebody that doesn't have permission to park in a private lot.

Alderman O'Neil stated that is the only issue here. We're not talking about if they're called by the Police to remove a vehicle from a City street for some reason.

Lt. Valenti replied no that is still governed by our contract.

Chairman Sysyn stated all of those parking lots are well posted that it's private parking and your car will be towed if you're not authorized to park there.

Alderman Forest stated with these recommendations would it still give \$5.00 to the City?

Lt. Valenti replied no, the City gets no fees on these because it's basically a private tow.

Chairman Sysyn asked how does the Committee feel? Do you have any questions of Ms. Cavanaugh?

Alderman O'Neil asked how is this monitored and regulated now? I guess I don't understand that. So, we have to amend a City ordinance to do this.

Lt. Valenti replied that's correct. The current fee is \$50.00.

Chairman Sysyn stated so you want to raise it to \$70.00.

Alderman O'Neil stated I guess my concern is we don't have a lot of background information on this. All I have in the packet is what Ms. Cavanaugh wrote.

Alderman Forest stated the tow companies still have to notify the Police Department when they tow a vehicle correct.

Lt. Valenti stated yes they have to call the desk.

Alderman Forest stated that is one way of regulating it.

Lt. Valenti stated yes.

Alderman Smith stated I have a serious problem over at St. Andrews Musical Kindergarten...there's private parking and we have the Senior center right across and what happens is a lot of elderly people will park there and their cars are towed right away...it's sort of like prearranged to tow these cars. I swear to God that the tow truck must be on the next street. I realize it's a violation but we're talking about a narrow back street near the Senior center and St. Andrew's is there and there's no parking, it's posted...I don't know what the situation would be to help out with something over there.

Alderman Forest stated as far as being there and I've seen the tow trucks there when I've gone to some of the senior functions at the old senior center and the tow truck is there when there's either a function at the school or a function at the Senior center. I have never seen the tow truck operator come out and tell that person hey if you don't move we're going to tow it. I've seen them just walk away and then yank the car away. I don't like to see that kind of practice.

Alderman O'Neil stated I think if Ms. Cavanaugh took the time to come this evening we'd like to hear from her. Why doesn't she speak to why she believes there needs to be a change and then I'll have some questions for her afterwards.

Ms. Linda Cavanaugh, 134 Candia Road, Manchester, NH, stated:
Originally, the ordinance was put into place because of people telling Police we were not acting professional. Certain towing facilities will have radio contact to watch somebody and if the vehicle is abandoned or illegally parked they grab it, they charge whatever they want to charge and is this right that there are professionals and I like to think of myself as a professional that we tow for a lot of commercial facilities. These people have parking lots that are posted and it's very obvious that you're not supposed to park there but rather park in a public place. There is plenty of parking available but they choose not to do it. Then with a phone call it goes in rotation for regular calls. We tow the vehicle, we notify the Manchester Police Department and give us a case number so that when the people call they know exactly who has their vehicle, what the location is, everything is right up front. I think that the people who are abusing this should be regulated and held accountable for their actions. But, those of us that are doing a job for the community...they're renting space, they own the property and pay taxes to the City, they have the right to utilize their property and I do understand that you do have towing facilities out there that are doing things that they definitely should not be doing and I have spoken to many of the towing companies in Manchester. We have very reputable companies, they know that I'm here tonight partially on their behalf as well as mine and I expect them to conduct themselves professionally and if they don't conduct themselves professionally I believe they should be held accountable. Other than that I don't know what to say but I do know that the cost

of equipment, cost of fuel, cost of labor, base of operation...we're a necessary evil, nobody wants us but you need us. So, I put a request from \$50.00 to \$110.00 knowing full well that I'm never going to get the \$110.00 but we need to come somewhere that is acceptable and I do understand the elderly, however, you know you're not supposed to be parking there.

Chairman Sysyn stated so the rate that you're getting now is \$50.00 and you're trying to raise it to \$110.00 with a suggestion from the Police Department was to go to \$70.00 and then to \$85.00.

Alderman O'Neil asked, Madame Chair, can you explain the difference on the \$70.00 and the \$85.00 again.

Chairman Sysyn replied the \$70.00 is the daytime fee and the \$85.00 is evening.

Alderman O'Neil stated of the \$70.00, \$65.00 would go to the towing company and \$5.00 to the City.

Chairman Sysyn stated no. These are private lots so the City doesn't get anything, right.

Alderman O'Neil stated so you're saying the same fee as if the City was involved without the \$5.00 fee. I guess a question for Matt Normand. Matt do towing companies have to be licensed to do business in the City?

Clerk Normand replied yes. The companies that fall under this unauthorized towing operation have to be licensed through the City Clerk's office and pay an annual fee of \$50.00.

Alderman O'Neil asked what type of license is it?

Clerk Normand replied it's called a towing license under Chapter 70.40 and it's really a short section which is why there is no backup material tonight because there's essentially two sections. One addresses this charge of \$50.00 and then there's another storage fee that they're allowed to charge after the first 24 hours. Complaints that come in are generally enforcement through the Traffic Division of the Police Department and as Alderman Smith indicated there are situations out there that happen quite often where an elderly person's parking or whomever is parking in a spot that they shouldn't be and their car is scooped immediately. Hesser College has a problem that's on-going. I can tell you just from experience

that as soon as the calls come in I know that Lt. Valenti responds to them immediately. Unfortunately, we don't know that these situations are happening until someone calls and complains. Many people out there think this is the way business is conducted or supposed to be conducted.

Alderman O'Neil stated in order to be on the City's list for snow emergencies do you have to have this license?

Clerk Normand replied correct.

Alderman O'Neil asked do we have any recourse at all and I hope Ms. Cavanaugh doesn't take this wrong as we do with the taxicab companies because we don't have a very good service in the City...I'm not trying to compare you to them, it's just something that we can regulate when they do get out-of-control.

Clerk Normand stated I know that the wreckers are inspected by the Police Department must the same way the cabs are inspected if that's what you're referring to.

Alderman O'Neil stated even further than that if we have incidents with drivers...

Clerk Normand stated normally what happens if there's a complaint that comes in and prior to the Police Department getting involved we did this initially and we respond to the complaint that typically the complaint that comes in is that someone's been overcharged. We didn't hear many things about drivers per se it was how much was charged and the way we typically dealt with them is we find those people that were overcharging or gave them the option to pay the difference back that they overcharged the individuals and we usually resolved them more likely that way.

Alderman O'Neil stated let me ask you this. If we have a case of finding a company that's overcharged people do we have the right to pull their license?

Clerk Normand replied absolutely but we don't generally just pull it if someone overcharges the first time. The first time we would obviously warn them and again the Police Department is now involved...Lt. Valenti can probably tell you exactly how he deals with them now.

Lt. Valenti stated we actually have summons for people to go to court if they overcharge.

Alderman O'Neil asked are they usually the same companies?

Lt. Valenti replied we've had a few different companies over the years.

Alderman O'Neil stated I will agree with the comments that were made...we just increased the snow emergency towing for many of the reasons that Ms. Cavanaugh just mentioned...increased fuel, increased wages, increased insurance...so, I feel that part is justified. I believe there is abuse around the City, I believe it's by a limited number of towing operators. We have a lot of quality companies operating in the City but unfortunately a couple of bad apples spoil it for the rest of them. I can think of the lot up on Lowell Street that there was abuse at one point by Lowell and Kosciuszko just this side of Richard's Bistro and I understand their posted and there are people who intentionally take a chance and see if they're going to get caught but there are...I think Alderman Smith's comment about the senior center is very appropriate...to sit there and watch somebody park there and not say a word and wait until they go in the building and then tow them I think something's wrong with that. Thank you.

Chairman Sysyn stated if you change those fees you're also changing the storage fees.

Clerk Normand replied no we're just looking for a request on the initial charge.

Alderman O'Neil stated so storage fees would remain at...

Clerk Normand stated at \$25.00 per day after the first 24 hours.

Alderman Smith stated to set the record straight it's \$70.00 during the day, \$85.00 at night.

Chairman Sysyn replied yes.

Alderman Smith stated it would have to go through an ordinance change is that correct.

Chairman Sysyn replied yes.

Alderman Smith moved to amend the towing charges to \$70.00/daytime and \$85.00/evenings. Alderman O'Neil duly seconded the motion. There being none opposed, the motion carried.

Chairman Sysyn addressed item 4 of the agenda:

4. Chairman Sysyn advises that the Traffic Department has submitted an agenda, which needs to be addressed as follows:

STOP SIGNS:

On Oakland Avenue at Cushing Avenue
Alderman Osborne

NO PARKING:

On Clarke Street, north and south sides, from Walnut Street to the dead end
Alderman Roy

On Beech Street, west side, from Myrtle Street to a point 100 feet north
Alderman Gatsas

TRAFFIC SIGNALS (EMERGENCY ACT):

Commercial Street and Granite Street - -
install exclusive pedestrian phase
install audible pedestrian signals
Alderman Guinta

Alderman O'Neil moved to approve the Traffic Department agenda. Alderman Smith duly seconded the motion. There being none opposed, the motion carried.

TABLED ITEMS

5. Communication from Alderman O'Neil relative to installation of traffic signs in residential neighborhoods.
6. Discussion relative to Enhanced State 911 System.

On motion of Alderman Forest, duly seconded by Alderman O'Neil, it was voted to remove item 6 from the table for discussion.

Alderman Forest asked in reference to the Enhanced State 911 are we getting anywhere on that, has there been a solution or what?

Chief Kane replied actually we are doing a lot of work there and I would hope to have a full report to the Committee at its next meeting but just to give you a brief update. We have been working directly with Peter DeNutte from 911 trying to interface our software and their software which is one of our goals and we've been working at that for quite a while now over the last couple of months and we have some successes and then we don't have some successes but that's one of the issues that we're working on. The other issue is how different agencies, our agency and their agency transfers the data and when that gets transferred...that's the main issue that we're trying to look at to speed up. I would hope to have that resolved by the next time this Committee meets.

Alderman O'Neil stated we are taking a look not only...the issue seems to be on the emergency medical services level but we are taking a look at it with fire protection and police protection as well.

Chief Kane stated I believe we've already looked at it with fire and police and we really don't see that delay.

Alderman O'Neil stated I think we need to see some information on that...I think we need to see information on all three avenues. I think you identified that it appears the biggest issue is with the emergency medical calls but I still have to believe that if it's happening there it's happening with the other two as well.

Chief Kane stated maybe what we can do is put a little demonstration together for the next meeting to show you exactly how that occurs and in what timeframe it occurs.

On motion of Alderman Forest, duly seconded by Alderman O'Neil, it was voted to retable item 6.

NEW BUSINESS

Communication from Nicholas Castrogiovanni of Not So Plain Jane's regarding parking in the Millyard.

Alderman O'Neil stated I think everyone has a letter in front of them from Not So Plain Jane's expressing concerns that he was one of the first businesses to make a significant investment in the Millyard area and feels that he's starting to be squeezed out with permits being handed out to other businesses and he's actually in a conversation with me indicated that he's actually lost customers because of it.

I know we have a parking study going on and maybe we can refer this to the Parking Study but I think it would be great if some staff followed up with him either Police or Traffic see if there are enforcement issues, better signage or something.

On motion of Alderman O'Neil, duly seconded by Alderman Guinta, it was voted to refer the communication to the Police and Traffic Department as well as the Parking Study.

There being no further business to come before the Committee, on motion of Alderman Smith, duly seconded by Alderman Forest, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee